IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GREGORY J. TURLEY	**)**	
	)	
vs.	**)**	**Case No.: 08-cv-0007-SCW**
	)	
	)	
DANNY BEDINGER, et al.	**)**	

FINAL PRETRIAL ORDER

This matter is before the Court at a Final Pretrial Conference held pursuant to Rule 16 of the Federal Rules of Civil Procedure.

PLAINTIFF(S)' COUNSEL:

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DEFENDANT(S)' COUNSEL:

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I. NATURE OF THE CASE

The issue before the court is whether Defendant is violating the Eighth Amendment by being deliberately indifferent to a known serious risk of harm to Plaintiff if Plaintiff is double celled in the North One Cell House at Menard Correctional Center. Plaintiff alleges that the cell size in the North One Cell House at the Menard Correctional Center (36 feet by 40 feet), combined with the double occupancy in the cells and the limited hours of time inmates have outside of the cells, violates his rights under the Eighth Amendment to the U.S. Constitution.

II. JURISDICTION

A. This is a hearing on Plaintiff's claims for injunctive relief.

B. The jurisdiction of the Court is not disputed.

1. Facts giving rise to this action arose in the Southern District of Illinois;

2. This is an action brought pursuant to 28 U.S.C. § 1983;

3. This Court has jurisdiction under 28 U.S.C. § 1331.

III. UNCONTROVERTED FACTS

The following facts are not disputed or have been agreed to or stipulated to by the parties:

A. Plaintiff was an inmate of the Illinois Department of Corrections at the Menard Correctional Center at all times relevant to this lawsuit.

B. Defendants were all employees of the Illinois Department of Corrections and acting under color of state law at all times relevant to this lawsuit.

C. Plaintiff was an inmate in the North One Cell House at the Menard Correctional Center, and may be returned to his Cell House in the future.

IV. AGREED TO ISSUES OF LAW

The parties agree that the following are the issues to be decided by the Court:

A. Whether Defendant is violating the Eighth Amendment by being deliberately indifferent to a known serious risk of harm to Plaintiff if Plaintiff is double celled in the North One Cell House at Menard Correctional Center.

B. Whether plaintiff is entitled to recover attorney's fees under 28 U.S.C. §1988.

V. WITNESSES

A. List of witnesses plaintiff expects to call, not including experts.

1. Gregory Turley
2. Kim Butler
3. Jeff Hutchison
4. James Thrivel #R06551

5. Ernest Johnson #A10397

6. Any witnesses identified on Defendant's list of witnesses, and any witnesses required for purposes of rebuttal testimony.

B. Expert witnesses.

1. A yet-to-be determined witness on the health consequences of double occupancy in this cell size.

C. List of witnesses defendant expects to call, not including experts:

1. Jaqueline Lashbrook (Warden)
2. Frank Lawrence (Acting AWP)
3. Alex Jones (Acting AWO)
4. Shelley Franklin (Psych II)
5. Kimberly Butler
6. Any witness previously identified in the damages trial.

D. Expert witnesses.

E. Rebuttal Witnesses. Each of the parties may call such rebuttal witnesses as may be necessary, without prior notice thereof to the other party.

VI. EXHIBITS

See Appendix A, entitled Pretrial Exhibit Stipulation

VII. DAMAGES

1. Attorneys' Fees under 28 U.S.C. § 1988.

VIII. BIFURCATED TRIAL

Neither party has requested a bifurcated trial.

IX. TRIAL BRIEFS

The parties do not intend to file trial Briefs, although post-hearing memoranda will be filed.

X. LIMITATIONS, RESERVATIONS, AND OTHER MATTERS

A. Hearing Date. Hearing in this cause is set for **April 6, 2017 at 10:00 a.m**.

B. **Length of Trial**. The probable length of the hearing is 5 hours.

IT IS ORDERED that the Final Pretrial Order may be modified at the trial of the action, or prior thereto, to prevent manifest injustice or for good cause shown. Such modification may be made either on application of counsel for the parties or on motion of the Court.

Dated: February 24, 2017

/s/ Stephen C. Williams
STEPHEN C. WILLIAMS
United States Magistrate Judge

Approved as to Form:

/s/ Darren price
Darren Price
Assistant Attorney General for Defendants

/s/ Jay L. Kanzler
Jay L. Kanzler
Court-Appointed Counsel for Plaintiff